

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA,

§ CORRECTED

Plaintiff,

**AMENDMENT TO
DECLARATION OF TAKING**

VS.

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3.51 ACRES OF LAND, MORE OR LESS,
SITUATE IN CAMERON COUNTY, STATE OF
TEXAS; AND FRANCISCO MONTALVO, JR.,
ET AL.,

CIVIL NO 1:08 cv 343

Defendants.

§

TO THE HONORABLE JUDGE ANDREW S. HANEN,
THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS:

On June 30, 2008, this proceeding commenced with the filing of a Complaint and Declaration of Taking in this Honorable Court in the name of the United States of America for the acquisition of certain interests in land identified as RGV-HRL-3004 (fee simple estate) and RGV-HRL-3004E (temporary work area easement) situate in Cameron County, Texas.

It is now necessary to amend said Declaration of Taking as follows:

- a. To clarify the description of the acquired Tracts RGV-HRL-3004 and RGV-HRL-3004E and the accompanying plats to reflect accurately the results of final surveys of said lands received after institution of this proceeding;
 - c. To add as defendants all parties interested in acquired Tracts RGV-HRL-3004 and RGV-HRL-3004E who were identified in title examination results received after institution of this proceeding.

NOW, THEREFORE, I, Loren Flossman, Director, Border Patrol Facilities and Tactical Infrastructure Program Management Office, Facilities Management and Engineering, Office of Administration, U.S. Customs and Border Protection, Department of Homeland Security, under the authority delegated to me by the Act of Congress approved November 25, 2002, as Public Law 107-296, 116 Stat. 2311 and codified at 6 U.S.C. §§ 202, 251, 551, and 557, which transferred certain authorities of the Attorney General to the Secretary of Homeland Security; and by DHS Delegation No. 7010.3(II)(B), which delegated land acquisition authority from the Secretary of Homeland Security to the Commissioner of U.S. Customs and Border Protection; and by CBP Delegation 08-004, which delegated land acquisition authority to the Executive Director, Facilities Management and Engineering, and by CBP Delegation 09-003, which further delegated land acquisition authority under \$3 million dollars to Director, Border Patrol Facilities and Tactical Infrastructure Program Management Office, Facilities Management and Engineering, Office of Administration; do hereby amend said Declaration of Taking to:

1. Substitute Schedule "CC", containing clarified legal descriptions of acquired Tracts RGV-HRL-3004 and RGV-HRL-3004E, attached hereto and made a part hereof in lieu of the legal descriptions provided in Schedule "C" of the Declaration of Taking;
2. Substitute Schedule "DD", containing final surveys of acquired Tracts RGV-HRL-3004 and RGV-HRL-3004E, attached hereto and made a part hereof in lieu of the plats provided in Schedule "D" of the Declaration of Taking; and

3. Substitute Schedule "GG", containing a list of parties who may have or be claiming an interest in acquired Tracts RGV-HRL-3004 and RGV-HRL-3004E based upon an examination of title to said lands, attached hereto and made a part hereof in lieu of the list provided in Schedule "G" of the Declaration of Taking.

It is intended by this amendment that the aforesaid Declaration of Taking (as heretofore amended) is not changed, and is not intended to be changed, in any respect except as hereinabove expressly set forth.

IN WITNESS WHEREOF, the undersigned, Director, Border Patrol Facilities and Tactical Infrastructure Program Management Office, Facilities Management and Engineering, Office of Administration, U.S. Customs and Border Protection, Department of Homeland Security, hereunto subscribes his name by direction of the Secretary of the Department of Homeland Security, this 15 day of April, 2011, 2011 in the City of Washington, District of Columbia.



Loren Flossman
Director, Border Patrol Facilities and Tactical
Infrastructure Program Management Office
Facilities Management and Engineering
Office of Administration
U.S. Customs and Border Protection
Department of Homeland Security